

5:06cv160

Defendants.

-1-

as alleged, plaintiff failed to attend mediation in South Carolina without permission from this court or from the mediator, substantial sanctions may come into play, which could well include fines, civil contempt, and/or dismissal of plaintiff's claims. The court hopes that such is not the case. In responding to such motions, plaintiff should be prepared to file with the court an affidavit from the mediator indicating that he excused plaintiff from the mediation after providing notice to all counsel of record.

While plaintiff's responses are not due until December 24, 2007, plaintiff should file its responses in an expedited manner, not later than December 14, 2007; likewise, defendants' should file their replies not later than December 20, 2007. Inasmuch as this matter is on for trial in February - - and is the only case remaining for trial during such term - - the court will set all motions now pending for hearing on Friday, January 4, 2008, at 12 noon, in Asheville. The court expects that no further motions will be filed in the interim.

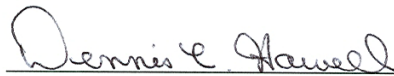
In addition to counsel, all parties shall personally appear at such hearing through a corporate representative with full authority to settle this case. Unless confidence is high that the Pretrial Order of this court has not been violated, personal checkbooks should be brought to the hearing.

ORDER

IT IS, THEREFORE, ORDERED that **ALL MOTIONS** now pending in this matter are **CALENDARED** for hearing January 4, 2008, at 12 noon in Asheville. The plaintiff's deadline for filing responses to motions numbered 54 and 55 are

RESET to December 14, 2007, and defendants' replies thereto are **RESET** to December 20, 2007. All counsel of record in this matter are directed to attend this hearing along with a corporate representative with full authority to settle this case.

Signed: December 6, 2007

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Dennis L. Howell
United States Magistrate Judge

